



2015/0307(COD)

02.5.2016

AMENDMENTS

7 - 84

Draft opinion
Marielle de Sarnez
(PE578.834v01-00)

on the reinforcement of checks against relevant databases at external borders

Proposal for a regulation
(COM(2015)0670 – C8-0407/2015 – 2015/0307(COD))

Amendment 7
Jean-Luc Schaffhauser

Proposal for a regulation
Citation 1

Text proposed by the Commission

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(b) thereof,

deleted

Or. fr

Amendment 8
Jean-Luc Schaffhauser

Proposal for a regulation
Citation 1

Text proposed by the Commission

Amendment

Having regard to *the Treaty on the Functioning of the European Union, and in particular Article 77(2)(b) thereof,*

Having regard to Article 3 *of the Universal Declaration of Human Rights,*

Or. fr

Amendment 9
Jean-Luc Schaffhauser

Proposal for a regulation
Citation 2

Text proposed by the Commission

Amendment

Having regard to the proposal from the European Commission,

deleted

Or. fr

Amendment 10
Jean-Luc Schaffhauser

Proposal for a regulation
Citation 2

Text proposed by the Commission

Having regard to *the proposal from the European Commission*,

Amendment

Having regard to *the principle of subsidiarity under which it is the Member States that have competence in principle and decide whether or not competence is conferred on the European Union if its coordinating action brings real added value to policies that are a national competence*,

Or. fr

Amendment 11
Jean-Luc Schaffhauser

Proposal for a regulation
Citation 2

Text proposed by the Commission

Having regard to the *proposal from the European Commission*,

Amendment

Having regard to the *principle of proportionality under which the EU shall provide proof of its means and results vis-à-vis the Member States, to which it must report on policies for which it has been delegated competence for a short while*,

Or. fr

Amendment 12
Jean-Luc Schaffhauser

Proposal for a regulation
Citation 2

Text proposed by the Commission

Having regard to *the proposal from the*

Amendment

Having regard to *case law of the*

European Commission,

*International Court of Justice on the
obligation on a State to maintain and
guard its borders,*

Or. fr

Amendment 13

Jean-Luc Schaffhauser

Proposal for a regulation

Citation 2

Text proposed by the Commission

Amendment

Having regard to *the proposal from the
European Commission,*

Having regard to *Article 21(3) of the
Universal Declaration of Human Rights,*

Or. fr

Amendment 14

Jean-Luc Schaffhauser

Proposal for a regulation

Citation 2

Text proposed by the Commission

Amendment

Having regard to *the proposal from the
European Commission,*

Having regard to the *reality principle
under which a policy is judged on its
results,*

Or. fr

Amendment 15

Jean-Luc Schaffhauser

Proposal for a regulation

Citation 2

Text proposed by the Commission

Amendment

Having regard to *the proposal from the
European Commission,*

Having regard to *Article 2(4) of the
Charter of the United Nations,*

Amendment 16
Jean-Luc Schaffhauser

Proposal for a regulation
Citation 2

Text proposed by the Commission

Having regard to *the proposal from the European Commission,*

Amendment

Having regard to *United Nations resolution 2625,*

Or. fr

Amendment 17
Jean-Luc Schaffhauser

Proposal for a regulation
Citation 3

Text proposed by the Commission

After transmission of the draft legislative act to the national parliaments,

Amendment

deleted

Or. fr

Amendment 18
Jean-Luc Schaffhauser

Proposal for a regulation
Citation 4

Text proposed by the Commission

Acting in accordance with the ordinary legislative procedure,

Amendment

deleted

Or. fr

Amendment 19
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 1

Text proposed by the Commission

Amendment

(1) Control at external borders remains one of the main safeguards of the area without controls at internal borders. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, irrespectively of the origin of such threat.

deleted

Or. fr

Amendment 20
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 1

Text proposed by the Commission

Amendment

(1) Control at external borders remains one of the main safeguards of the area without controls at internal borders. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, irrespectively of the origin of such threat.

(1) Whereas States have a fundamental duty to protect their population;

Or. fr

Amendment 21
Tonino Picula

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Control at external borders remains one of the main safeguards of the area without controls at internal borders. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, irrespectively of the origin of such threat.

Amendment

(1) Control at external borders remains one of the main safeguards of the area without controls at internal borders. It is carried out in the interest of all Member States ***and with full respect for fundamental rights***. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, irrespectively of the origin of such threat, ***including where such threats derive from Union citizens***.

Or. en

Amendment 22
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Having regard to the International Covenant on Civil and Political Rights of 1966 and to the International Covenant on Economic, Social and Cultural Rights of 1966 and their additional protocols,

Or. fr

Amendment 23
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Having regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 and the additional protocol

thereto,

Or. fr

Amendment 24
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) Having regard to the Universal Declaration of Human Rights,

Or. fr

Amendment 25
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 d (new)

Text proposed by the Commission

Amendment

(1d) Having regard to the protection of the personal data of European citizens

Or. fr

Amendment 26
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 e (new)

Text proposed by the Commission

Amendment

(1e) Having regard to Article 2 TEU, which states that the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging

to minorities.

Or. fr

Amendment 27
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 f (new)

Text proposed by the Commission

Amendment

(1f) *Having regard to the European Convention on Human Rights*

Or. fr

Amendment 28
Marie-Christine Vergiat

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) *The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.*

deleted

Or. fr

Amendment 29
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) *The phenomenon of foreign terrorist fighters, many of whom are*

deleted

Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.

Or. fr

Amendment 30

Tonino Picula

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The phenomenon of foreign terrorist fighters, *many of whom are Union citizens*, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.

Amendment

(2) The phenomenon of foreign terrorist fighters demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens *and to make better use of existing tools such as the sharing of information between the Member States and the relevant Union agencies.*

Or. en

Amendment 31

Arnaud Danjean

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity *to strengthen* the checks at external borders with regard to Union citizens.

Amendment

(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity *of a European joint response, urgently reinforcing boarder security and strengthening* the checks at external borders with regard to Union citizens.

Or. en

Amendment 32
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) *The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.*

Amendment

(2) *Whereas duly-ratified international treaties are subject to a reciprocity requirement and failure to observe this shall render the agreements null and void;*

Or. fr

Amendment 33
Philippe Juvin

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.

Amendment

(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the *urgent* necessity to strengthen the checks at external borders with regard to Union citizens.

Or. fr

Amendment 34
Marie-Christine Vergiat

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

(2a) The need to fight terrorism must not jeopardise the rights and freedoms of either European citizens or third-country nationals. Border checks must be carried out in strict compliance with the

Amendment

principles of proportionality and necessity. They must be carried out on the basis of a stringent risk analysis and with respect for fundamental rights, in particular the right to privacy.

Or. fr

Amendment 35
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.

deleted

Or. fr

Amendment 36
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.

(3) Whereas, in these circumstances, countries have full responsibility in the areas referred to in agreements or treaties;

Or. fr

Amendment 37
Marie-Christine Vergiat

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The documents of persons enjoying the right of free movement under Union law *should therefore* be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid *that* persons *hide* their real identity.

Amendment

(3) The documents of persons enjoying the right of free movement under Union law *may* be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid persons *hiding* their real identity *to the extent permitted by the principles of necessity and proportionality*.

Or. fr

Amendment 38
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) *Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.*

Amendment

deleted

Or. fr

Amendment 39
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) ***Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.***

Amendment

(4) ***Whereas under international law a large-scale, illegal population intrusion, whether peaceful or not, is equivalent to an invasion, and whereas controlling borders is a sovereign task which countries cannot be deprived of;***

Or. fr

Amendment 40
Marie-Christine Vergiat

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Border guards ***should*** for the same reason also ***systematically*** check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.

Amendment

(4) Border guards ***may*** for the same reason also check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy ***on the basis of objective information and avoiding in particular checks which are based on ethnicity or might be regarded as such.***

Or. fr

Amendment 41
Tonino Picula

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Border guards should for the same reason also ***systematically*** check persons enjoying the right of free movement under

Amendment

(4) Border guards should for the same reason also, ***as a general rule and whenever deemed appropriate,*** check

Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.

persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.

Or. en

Amendment 42
Tonino Picula

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) While checking the data bases, certain persons enjoying the right of free movement under Union law could be exempted from these checks provided that, after a careful consideration of the risk assessment, it can be unequivocally concluded that those persons do not pose a risk related to the internal security, public policy, international relations of any of the Member states or a threat to public health. Such persons could include, inter alia, children under the age of 12 and minors accompanied by parents; school pupils when travelling on organised excursions; elderly persons when travelling in an organised manner; pilots of aircraft and other crew members; Heads of State or government and the members of their delegation(s); holders of diplomatic, official or service passports and members of international organisations; rescue services, police and fire brigades and border guards; offshore workers; holders of permits required by national law in accordance with specific Member States' arrangements in bilateral agreements as referred to in point (a) of Article 4(2) of the Regulation (EU) 562/2006 of the European Parliament and

of the Council^{1a}.

^{1a} Regulation (EU) 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Or. en

Amendment 43
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established

deleted

by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Or. fr

Amendment 44
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) *Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith, to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the*

Amendment

(5) *Whereas, as reported by experts commissioned by the EU at a recent meeting of Parliament's Subcommittee on Security and Defence of 20 April 2016, the current flow of migrants is not in fact dealt with under the aegis of the Office of the United Nations High Commission for Refugees but instead passes through criminal networks, with 90% of the illegal immigrants involved with people-smuggling networks;*

Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ **Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).**

Or. fr

Amendment 45
Marie-Christine Vergiat

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) **Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing**

Amendment

(5) **The checks could** be carried out only if based on a risk analysis assessing that such a relaxation **was necessary**. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency. **In any event they would only delay border crossings and therefore necessitate the deployment of a sufficient number of ad hoc staff. Such staff must be given training in human rights, with particular regard to respect of the rules on data protection and the right to privacy.**

that such a relaxation *would not lead to a security risk*. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Or. fr

Amendment 46 **Tonino Picula**

Proposal for a regulation **Recital 5**

Text proposed by the Commission

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing

Amendment

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders *with existing capacities and technologies* were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but

that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Or. en

Amendment 47 **Georgios Epitideios**

Proposal for a regulation **Recital 5**

Text proposed by the Commission

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out

Amendment

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out

systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2008⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment **which should be carried out by the Member States should** be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2008⁸ and be the subject of regular reporting both to the Commission and to the Agency..

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Or. el

Amendment 48 **Jean-Luc Schaffhauser**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify these biometric identifiers, in case of doubts on the authenticity of the passport or on the identity of its holder.

Amendment

deleted

⁹*Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).*

Or. fr

Amendment 49
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) *With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify these biometric identifiers, in case of doubts on the authenticity of the passport or on the identity of its holder.*

Amendment

(6) *Whereas, under international law, the migrants in question are illegal and Member States are therefore regaining full control of their borders, also by virtue of the principles of non-interference in internal affairs and the right of peoples to self-determination;*

⁹*Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).*

Or. fr

Amendment 50
Arnaud Danjean

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify these biometric identifiers, in case of doubts on the authenticity of the passport or on the identity of its holder.

⁹ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

Amendment

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify these biometric identifiers, in case of doubts on the authenticity of the passport or on the identity of its holder. ***The same approach should apply to checks on third-country nationals, where possible.***

⁹ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

Or. en

Amendment 51
Marie-Christine Vergiat

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. ***Member States should therefore verify these biometric identifiers, in case of doubts on the authenticity of the passport***

or on the identity of its holder.

⁹Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

⁹Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

Or. fr

Amendment 52
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) This Regulation is without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the Council¹⁰.

deleted

¹⁰*Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).*

Or. fr

Amendment 53
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) This Directive is without prejudice

(7) Whereas also the repeated

to the application of Directive 2004/38/EC of the European Parliament and of the Council¹⁰.

breaches of the obligation of reciprocity mentioned above have resulted, in the framework of the Schengen agreements, in one Member State imposing its policy on all the others, as Italy did in 2011 and as Greece has done in relinquishing its border controls since January 2015;

¹⁰*Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).*

Or. fr

Amendment 54
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) Member States are obliged to check systematically third country nationals against all databases on entry. It should be ensured that such checks are also carried out systematically on exit.

deleted

Or. fr

Amendment 55
Marie-Christine Vergiat

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

*(8) Member States **are obliged to** check systematically third country nationals*

*(8) Member States **which** check systematically third country nationals on*

against all databases on entry. It should be ensured that such checks are also carried out systematically on exit.

entry *or exit* should *justify* such checks *with regard to a risk analysis showing that their measures are necessary.*

Or. fr

Amendment 56
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) *Member States are obliged to check systematically third country nationals against all databases on entry. It should be ensured that such checks are also carried out systematically on exit.*

Amendment

(8) *Whereas, more specifically, Germany has taken the rest of Europe hostage by imposing its contingency policy on immigration in denial of international agreements and the cooperative principles of the EU and the Schengen agreements;*

Or. fr

Amendment 57
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) *Since the objective of this Regulation, namely reinforcing the checks against databases at external borders in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of*

Amendment

deleted

*subsidiarity as set out in Article 5 of the Treaty on European Union.
Conformément au principe de proportionnalité tel qu'énoncé audit article, le présent règlement n'excède pas ce qui est nécessaire pour atteindre ces objectifs.*

Or. fr

Amendment 58
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Since the objective of this Regulation, namely reinforcing the checks against databases at external borders in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Amendment

(9) Whereas the Schengen system today exposes every Member State to Turkish blackmail over migration, the result of a unilateral policy of negotiations led by Germany without consultation or coordination with the other Member States of the Schengen area, thereby in effect forcing them either to follow this policy or to withdraw from the Schengen agreements;

Or. fr

Amendment 59
Marie-Christine Vergiat

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Since the objective of this Regulation, ***namely reinforcing the checks against databases at external borders in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union*** may adopt measures, in accordance with the principle *of subsidiarity as* set out in Article 5 of the Treaty on European Union. In ***accordance with the principle*** of proportionality, ***as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.***

Amendment

(9) Since the objective of this Regulation ***is to improve proportionate and necessary*** checks against databases at external borders, the Union may adopt measures in accordance with the ***subsidiarity*** principle set out in Article 5 of the Treaty on European Union. In ***order for these checks to produce the best result as regards the sound functioning of the external borders of the Union, while respecting the principles of necessity and proportionality in fundamental rights, an impact assessment*** is necessary.

Or. fr

Amendment 60
Georgios Epitideios

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Since the objective of this Regulation, namely reinforcing the checks against databases at external borders in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it ***cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union*** may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union.

Amendment

(9) Since the objective of this Regulation, namely reinforcing the checks against databases at external borders in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it ***should be achieved in cooperation with the Member States and the Union and the Union*** may adopt ***guidelines***, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of

In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. el

Amendment 61
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, as annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

deleted

Or. fr

Amendment 62
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, as annexed to the Treaty on European Union and to the Treaty on the

(10) Whereas the Turkish authorities are linked to the human trafficking networks and the blackmail to which Turkey has subjected the Union in the

Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark should, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

context of association agreements has exposed us to the mass entry of terrorists into the territories of the Schengen area States;

Or. fr

Amendment 63
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 11

Text proposed by the Commission

Amendment

*(11) This Regulation constitutes a development of the provisions of the Schengen acquis, in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC; **the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.***

deleted

¹¹*Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43).*

Or. fr

Amendment 64
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) *This Regulation constitutes a development of the provisions of the Schengen acquis, in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC¹¹; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.*

¹¹ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43).

Amendment

(11) *Whereas the Schengen Code is an instrument dating from 1985 and is now obsolete, ineffective and harmful given the challenges of terrorism, mass migration and the fight against organised crime;*

Or. fr

Amendment 65
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) *This Regulation constitutes a development of the provisions of the Schengen acquis, in which Ireland does not take part, in accordance with Council Decision 2002/192/EC¹², Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.*

¹² Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L

Amendment

deleted

Amendment 66
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) *This Regulation constitutes a development of the provisions of the Schengen acquis, in which Ireland does not take part, in accordance with Council Decision 2002/192/EC¹², Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.*

¹² Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

Amendment

(12) *Whereas the key principle of the Schengen Agreement, set out in Article 2 of the CISA: 'Internal borders may be crossed at any point without any checks on persons being carried out' is no longer a reality on the ground because 13 States have already reinstated identity checks in one form or another;*

Amendment 67
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) *As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the*

Amendment

deleted

implementation, application and development of the Schengen acquis¹³, which fall within the area referred to in point A of Article 1 of Council Decision 1999/437/EC¹⁴.

¹³ OJ L 176 du 10.7.1999, p. 36

¹⁴ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.07.1999, p.31).

Or. fr

Amendment 68
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) *As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis¹³, which fall within the area referred to in point A of Article 1 of Council Decision 1999/437/EC¹⁴.*

¹³ OJ L 176, 10.7.1999, p. 36

¹⁴ Council Decision 1999/437/EC of 17

Amendment

(13) *Whereas the marginal adjustments and reforms the Commission is proposing and the regulations that have been presented to Parliament do not alter the fact that it would be irresponsible to retain a federal-like structure whose unsuitability to manage a crisis has been amply demonstrated;*

May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.07.1999, p.31).

Or. fr

Amendment 69
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis 15 which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC 16.

deleted

¹⁵ OJ L 53, 27.2.2008, p. 52

¹⁶ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ

Amendment 70
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) *As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis 15 which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC 16.*

Amendment

(14) *Whereas the only viable system would be a voluntary coordinating agency which brings together those Member States which have similar immigration and reception policies so that no one Member State can hold the others hostage and impose its own policies, in keeping with the principle of a Europe of Nations and Freedoms;*

¹⁶ *Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).*

Amendment 71
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis ¹⁷ which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ¹⁸.

deleted

¹⁷ OJ L 160, 18.6.2011, p. 21

¹⁸ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

Or. fr

Amendment 72
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) As far as the use of Schengen Information System is concerned this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession and Article 4(2) of the 2011 Act of Accession.

deleted

Or. fr

Amendment 73
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

deleted

Or. fr

Amendment 74
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) Regulation (EC) No 562/2006 of the European Parliament and of the Council¹⁹ should therefore be amended accordingly,

deleted

¹⁹Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p.1).

Or. fr

Amendment 75
Jean-Luc Schaffhauser

Proposal for a regulation
Article 1 – title

Text proposed by the Commission

Amendment

The Schengen area shall be abolished, in keeping with the desire of all European peoples for security

Or. fr

Amendment 76
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006
Article 7 – paragraph 2 – introductory sentence

Text proposed by the Commission

Amendment

2. On entry *and on exit*, persons enjoying the right of free movement under

2. On entry, persons *third-country nationals* may be subject to the following

Union law shall be subject to the following checks: checks:

Or. fr

Amendment 77

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – point a – introductory sentence

Text proposed by the Commission

a) verification of the identity and the nationality of the person and the validity and authenticity of the travel document, by consulting *the* relevant databases, *in particular*:

Amendment

a) verification of the identity and the nationality of the person and the validity and authenticity of the travel document, by consulting *its* relevant databases:

Or. fr

Amendment 78

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where there is doubt on the authenticity of the travel document or on the identity of its holder, the checks *shall* include the verification of the biometric identifiers integrated in the passports *and travel documents issued in accordance with Council Regulation (EC) No 2252/2004**.

Amendment

Where there is doubt on the authenticity of the travel document or on the identity of its holder, the checks *may* include the verification of the biometric identifiers integrated in the passports.

Or. fr

Amendment 79
Arnaud Danjean

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where *there is doubt on the authenticity of the travel document or on the identity of its holder, the checks shall include the verification of* the biometric identifiers integrated in the passports and travel documents issued in accordance with Council Regulation (EC) No 2252/2004*.

Amendment

Where *possible, the checks shall not only include the verification of relevant databases but also* the biometric identifiers integrated in the passports and travel documents issued in accordance with Council Regulation (EC) No 2252/2004*.

(.)

Or. en

Amendment 80
Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b
Regulation (EC) No 562/2006
Article 7 – paragraph 3 – point b – point iii

Text proposed by the Commission

iii) verification that the third-country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, in particular the Schengen Information System;

Amendment

deleted

Or. fr

Amendment 81
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point b
Regulation (EC) No 562/2006
Article 7 – paragraph 3 – point b – point iii

Text proposed by the Commission

iii) verification that the third-country national concerned is not considered to be a threat to public policy, internal security **or international relations of any of the Member States**, including by consulting the relevant Union and national databases, in particular the Schengen Information System;

Amendment

iii) verification that the third-country national concerned is not considered to be a threat to public policy **or** internal security, including by consulting the relevant Union and national databases, in particular the Schengen Information System;

Or. fr

Amendment 82
Jean-Luc Schaffhauser

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point c

Text proposed by the Commission

c) ***In paragraph (3)(c), point (iii) is deleted.***

deleted

Amendment

Or. fr

Amendment 83
Jean-Luc Schaffhauser

Proposal for a regulation
Article 2

Text proposed by the Commission

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

deleted

Amendment

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Or. fr

Amendment 84
Marie-Christine Vergiat

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

This Regulation ***shall*** enter into force ***on the twentieth day following that of its publication in the Official Journal of the European Union.***

Amendment

This Regulation ***may only*** enter into force ***once the European Parliament has received from the Commission an impact assessment on the feasibility and proportionality of introducing systematic database checks at the external borders which demonstrates that this would enhance security and which covers the safeguarding of fundamental rights, the impact on air, land and waterway traffic flows and the direct and indirect financial impact.***

Or. fr